

ENVIRONMENTAL PROTECTION
AGENCY REGION

2011 JUL -6 PM 12:34

DEPP-APB

10/11/11 12:34 PM
10/11/11 12:34 PM

10/11/11 12:34 PM
10/11/11 12:34 PM



State of New Jersey

~~CHRISTIE~~
KIM GUADAGNO
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Air Permits
401 E. State Street, 2nd floor, P.O. Box 420, Mail Code 401-02
Trenton, NJ 08625-0420

~~BOB MARIEN~~

May 6, 2011

Mr. Steve Riva, Chief
Permitting Section
USEPA, Region 2
290 Broadway, 25th Floor
New York, NY 10007-1866

Re: Atlantic States Cast Iron Pipe Co.
Facility Program Interest No. 85441, Permit Activity No.: BOP070001
PROPOSED OPERATING PERMIT RENEWAL

Dear Steve:

This Proposed Air Pollution Control Operating Permit Renewal for Atlantic States Cast Iron Pipe Co., which is located at 183 Sitgreaves Street, Phillipsburg, NJ 08865, has completed the 30-day public comment period. Comments were received from Atlantic States only. The Department's response to Atlantic States addressing these comments is attached to the email transmission of this letter.

No comments were received from the EPA during the public comment period.

Should you want more information regarding this proposed permit, please call me at 609-633-8230.

Sincerely,

Max Friedman
Bureau of Air Permits

ENVIRONMENTAL PROTECTION
2011 MAY 17 AM 11:31
DEPP-APB



State of New Jersey

DEPARTMENT of ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Division of Air Quality
Bureau of Air Permits
401 E. State Street, 2nd floor, P.O. Box 420, Mail Code 401-02
Trenton, NJ 08625-0420

BOB MARTIN
Commissioner

May 6, 2011

Mr. Steve Riva, Chief
Permitting Section
USEPA, Region 2
290 Broadway, 25th Floor
New York, NY 10007-1866

Re: Atlantic States Cast Iron Pipe Co.
Facility Program Interest No. 85441, Permit Activity No.: BOP070001
PROPOSED OPERATING PERMIT RENEWAL

Dear Steve:

This Proposed Air Pollution Control Operating Permit Renewal for Atlantic States Cast Iron Pipe Co., which is located at 183 Sitgreaves Street, Phillipsburg, NJ 08865, has completed the 30-day public comment period. Comments were received from Atlantic States only. The Department's response to Atlantic States addressing these comments is attached to the email transmission of this letter.

No comments were received from the EPA during the public comment period.

Should you want more information regarding this proposed permit, please call me at 609-633-8230.

Sincerely,

Max Friedman
Bureau of Air Permits

RESPONSE TO COMMENTS DOCUMENT

for

An Air Pollution Control Operating Permit Renewal Application

for

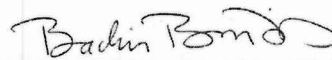
Atlantic States Cast Iron Pipe Co., PI 85441, Activity BOP070001
183 Sitgreaves Street
Phillipsburg, New Jersey 08865



5/5/11

Max Friedman
Supervisor
Operating Permits

Date



5/5/11

Bachir Bouzid
Section Chief
Operating Permits

Date

Written comments on the draft approval were received from the applicant. No other comments were received. Responses to the comments received are addressed in this document.

1. U5, Paint Machine

Comment:

Atlantic States has been in communication with NJDEP Compliance and Enforcement with regard to the substitution of the requirement for performance of a stack test in U5/OS1 — Pipe coating with VOC-containing asphalt paint. The stack test is required for TSP, PM-10, VOC and HAPs. At present, DEP granted an extension to February 1, 2011 for submission of a stack test protocol while the request is considered. Atlantic States proposed to DEP the substitution of the stack test with periodic sampling of the paint as applied and analysis using EPA Method 24 for VOC. In addition, we propose periodic analysis by GC/MS for HAPs. We believe these are satisfactory replacements since it allows periodic monitoring of VOC and HAP emissions in a cost effective manner. The TSP and PM-10 emissions are not expected to be any different with the base paint or the VOC containing paint since they are both asphalt based paints. Further, Atlantic States reviewed the stacks associated with the paint booth and found that there are two from the one booth and both are of insufficient length to perform a stack test. In addition, it is believed that the roof would not structurally support stack test scaffolding and personnel. Thus, we believe a stack test would be cost prohibitive and would only provide a "one shot" analysis of emissions. The alternative of periodic sampling and analysis of the paint would provide more meaningful VOC and HAP emissions data. In addition, VOC emissions could occur throughout the drying and curing process at the facility. As such, measurement of VOC in the paint as applied provides total VOCs that may be emitted from the paint and not just those emissions when the paint is applied. Thus, we propose deleting the stack test requirement for U5/OS1 - Refs. 1 through 4 and substituting periodic sampling and analysis of the paint for Refs. 3 and 4.

Response:

The Department has agreed with the alternative of stack tests for VOC and HAPs. The measurement of VOC in the paint as applied will provide the total VOC that will be emitted from the paint. Periodic sampling and analysis of the paint will be done for VOC concentration.

After consultation with the facility, the Department has reduced TSP and PM-10 hourly emissions from 3 lb/hr to 2.4 lb/hr and annual emissions from 9 tons per year to 4.8 tons per year. Also the hours of operation will be limited to 4,000 hours per year.

2. U 1, Coupola Baghouse

Comment:

As we explained in prior comments submitted to DEP during the permit review process, the metals concentrations achieved by the cupola baghouse are exceedingly low and the variability of the emissions may be impacted by a variety of factors. In a February 2007 meeting with NJDEP, the Air Quality personnel agreed that a factor of ten times the stack results for metals may be used given the low results and potential variability. We provided in past comments a summary of the metals analysis for stack tests through 2009 which showed the variability. Since then, Atlantic States conducted its 2010 stack test which has now potentially exceeded the hourly permit limits for two compounds, barium and manganese. The summary table for the five years of stack test results is attached which clearly shows the variability in the results. We reiterate the need to use a factor of ten as requested in submissions to DEP, the latest in January and July of 2010.

Response:

The Department has agreed to allow the highest of the average of the three stack test runs of metal concentrations achieved by the cupola baghouse for potential variability. The Department has verified the last 5 year stack test results and selected the highest of the average numbers. Also the annual metal stack testing will be based on the average of three department validated stack test runs.

3. U 1, Coupola Baghouse**Comment:**

As set forth in OU1/OS1, the hourly emission limits for the cupola baghouse metals emissions must be based upon emission testing annually, over any 60 minute period. We have been advised by the current stack test company that more than 60 minutes and generally at least two hour stack test runs are required for metals to achieve a reasonable detection limit because the concentration of metals is so low in the emissions. Atlantic States intends to review this with other stack test companies because three stack test runs of at least two hours each generally requires the operating day to be extended causing operational difficulties to accommodate the runs, or they need to be conducted over two days, increasing the cost of the stack tests. Although the plant will do everything technically feasible to achieve a one stack test run for metals, we believe the permit language should be modified in the event that is not possible. As such, we propose the following; "based upon any 60 minute averaging period". With this change, if the stack test is longer than 60 minutes, then a 60 minute average may be used for the purpose of demonstrating compliance with the hourly permit limits.

Response:

The permit language has been modified to the following: "Monitored by stack emission testing annually, based on the average of three Department validated stack test runs."

4. U 1, Cupola Baghouse

Comment:

Atlantic States, as the last iron foundry in New Jersey, has been approached by various police organizations to dispose of firearms and drugs in the Atlantic States cupola. This would not be done by Atlantic States for economic gain but rather as a public service. We approached this topic with enforcement and were advised that the appropriate way to accommodate the requests is to modify the Operating Permit to include the periodic charging of the cupola with firearms and drugs. As such, we propose a new reference number to OU1/OS1 stating "Atlantic States may from time to time charge the cupola with firearms and drugs provided by police organizations and under the supervision of such organizations".

Response:

This change can be done under a minor modification. The Department is advising the permittee to submit a minor modification application for this addition of materials.

5. U 1, Cupola Baghouse

Comment:

Atlantic States would like to charge crushed oil filters generated from onsite use as a scrap material to the cupola. We request that a new reference number be added to UI/OS Summary to allow charging used, crushed oil filters as follows. "Used crushed oil filters may be burned in the cupola. The source of the oil filters shall be the Permittee's site in Phillipsburg exclusively."

Response:

This change can be done under a minor modification. The Department is advising the permittee to submit a minor modification application for this addition of materials.

6. U 1, Cupola Baghouse

Comment:

Atlantic States would like to charge alkaline batteries generated by third parties and by Atlantic States as a scrap material to the cupola. Alkaline batteries are an approved scrap (recycled battery scrap) and do not include lead acid batteries. We request that a new reference number be added to UI/OS Summary to allow charging alkaline batteries as

follows. "Alkaline batteries as an approved scrap (recycled battery scrap) may be burned in the cupola."

Response:

This change can be done under a minor modification. The Department is advising the permittee to submit a minor modification application for this addition of materials.

7. IS 16, Heaters – less than 1MMBtu/hr, Natural Gas

Comment:

There are several natural gas fired heaters at the facility that have a less than 1MMBTU/hr heat. These include heaters for the cement line, pipe curing bays and ladle heaters in addition to space heaters. In order to assure that they are all included in the permit, we suggest that IS16 Space Heaters-less than 1MMBTU/hr Natural Gas, be renamed IS16 Heaters-less than 1MMBTU/hr Natural Gas.

Response:

The Department agrees. IS16 Space Heaters has been renamed as Heaters as per your request.

8. IS 26, TR Flex Pipe Welding Machines

Comment:

Atlantic States commenced a new paint coating operation in 2009 for TR Flex Pipe that uses less than 1/2 gallon of paint per hour. This was included in the Operating Permit as a new insignificant source and designated IS24 Surface Coating Operation <0.5 gal/hr. This operation also has a welding operation that uses up to 70 lbs/day of welding coils and less than 700 cu ft/day of welding gas. Therefore, a new insignificant source operation should be added to the permit for this operation. We request that this source be added to the permit as IS25 TR Flex Pipe Welding Machines < 70 lbs/day of welding coil use and <700 cu ft/day welding gas. Please note this is a different welding operation than that designated as IS18 Welding Machines which is for general plant use.

Response:

IS26, TR Flex Pipe Welding Machines has been added in insignificant sources as per your request.

9. U 1, Cupola Baghouse

Comment:

On several occasion over the past few years, Atlantic States has proposed limiting the afterburner exit temperature to greater than or equal to 1,300° F based upon several factors including that this is the minimum temperature required by federal regulations. Prior comments submitted by Atlantic States fully explain this request. We once again request that the afterburner exit temperature be set at a minimum of 1,300° F. This will save significant fuel and reduce green house gases, without, we believe, sacrificing emissions. The primary purpose of the afterburner is to convert CO to CO₂. The CO emissions are currently exceedingly low and ranged from 7.3 to 14.9 lbs/hr during the November 2010 stack test runs. The CO₂ emissions were about 10v% in the stack emissions. Atlantic States is the last ductile iron pipe plant and fuel costs represent one of the major operating expenses. We request that DEP reconsider lowering the afterburner exit temperature to 1300° F in UI OS Summary, Ref. #16.

Response:

The department has agreed to change the afterburner exit temperature to greater than or equal to 1,400 degrees F with a 99% VOC removal efficiency.



State of New Jersey
DEPARTMENT of ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Division of Air Quality
Bureau of Air Permits
401 E. State Street, 2nd floor, P.O. Box 27
Trenton, NJ 08625-0027

BOB MARTIN
Commissioner

September 2, 2010

Mr. Steve Riva
Chief, Permitting Section
USEPA, Region 2
290 Broadway, 25th Floor
New York, NY 10007-1866

Re: Atlantic States Cast Iron Pipe Co.
Facility Program Interest No. 85441, Permit Activity No. BOP080003
PROPOSED SIGNIFICANT MODIFICATION

Dear Steve:

This proposed significant modification to the approved Air Pollution Control Operating Permit for Atlantic States Cast Iron Pipe Co., located at 183 Sitgreaves Street, Phillipsburg, NJ 08865, has completed the 30-day public comment period. Comments were received from facility only. The Department's response to Atlantic States addressing these comments is enclosed for your information.

No comments were received from the EPA during the public comment period.

Should you want more information regarding this proposed permit, please call me at 609-633-8230.

Sincerely,

Max Friedman
Bureau of Air Permits

ENVIRONMENTAL PROTECTION
REGION 2
2010 SEP 21 PM 12:21
DEPP-APB

ENVIRONMENTAL PROTECTION
REGISTRATION

2010 SEP 21 PM 12:21

DEPP-APB



State of New Jersey
DEPARTMENT of ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Division of Air Quality
Bureau of Air Permits
401 E. State Street, 2nd floor, P.O. Box 27
Trenton, NJ 08625-0027

BOB MARTIN
Commissioner

September 2, 2010

Mr. Steve Riva
Chief, Permitting Section
USEPA, Region 2
290 Broadway, 25th Floor
New York, NY 10007-1866

Re: Atlantic States Cast Iron Pipe Co.
Facility Program Interest No. 85441, Permit Activity No. BOP080003
PROPOSED SIGNIFICANT MODIFICATION

Dear Steve:

This proposed significant modification to the approved Air Pollution Control Operating Permit for Atlantic States Cast Iron Pipe Co., located at 183 Sitgreaves Street, Phillipsburg, NJ 08865, has completed the 30-day public comment period. Comments were received from facility only. The Department's response to Atlantic States addressing these comments is enclosed for your information.

No comments were received from the EPA during the public comment period.

Should you want more information regarding this proposed permit, please call me at 609-633-8230.

Sincerely,

Max Friedman
Bureau of Air Permits

RESPONSE TO COMMENTS DOCUMENT

for

Significant Modification Air Pollution Control Operating Permit

for

Atlantic States Cast Iron Pipe Co. – PI 85441, Activity BOP080003
183 Sitgraeves Street
Phillipsburg, New Jersey 08865



Max Friedman
Bureau of Air Permits

09/02/2010

Date

Written comments on the draft approval were received from the applicant. No other comments were received. Responses to the comments received are addressed in this document.

(a) Comment:

The finishing baghouse, while removed from the compliance plan, is still identified as emission point, PT6 and control device, CD6. They should be eliminated.

Response:

The department agrees. Emission point PT6 and Control device CD6 have been removed from the inventories.

(b) Comment:

The compliance plan for less than 1 MMBTU/hr diesel equipment is covered by IS10. We wish to confirm that the diesel powered screener is included in the inventory of diesel powered equipment. There is no reference to diesel powered screener in the permit. We think the screener itself should be added to the permit as an insig source or as a separate source with particulate emissions of 1 ton/year.

Response:

The department agrees. A new insignificant source IS25 has been added to the inventory with particulate emissions of 1 ton/year.

(c) Comment:

The IS11 Part Cleaner has been revised to reflect changes in the regulations. The regulations were amended about 4 or 5 years ago but the IS11 compliance plan was never amended to be consistent with the new Regulations.

Response:

The department agrees. The outdated regulation conditions have been removed from the compliance plan.

(d) Comment:

The IS22 Oil Reclamation system has been dismantled and is no longer expected to be used. Thus IS22 should be removed from the permit.

Response:

The IS22 has been removed as per applicant request.

(e) Comment:

Stack test dates consistency check made throughout permit and in the attached.

Response:

The stack test requirements have been revised in the compliance plan according to the stack test standard template language for all Title V facilities.

(f) Comment:

The metals emissions from the cupola may be inconsistent with the agreement reached at a DEP meeting and which have been the subject of prior e-mails. The emissions should be as set forth in the attached spreadsheet. This may impact in some cases annual allowable emissions.

Response:

The Department disagrees. Based on the last four years stack tests data, the department has allowed the emission limits. These emission limits agreement was reached in principle with the understanding that the facility will comply with these negotiated emission limits.



New Jersey Draft Significant Modification Notice

Shafi Ahmed to: Suilin Chan, Yolanda Majette, Steven Riva
Cc: "Max Friedman", Shafi.Ahmed

06/09/2010 04:30 PM

Operating Permit Significant Modification for Atlantic States Cast Iron Pipe Company
Program Interest Number: 85441, Permit Activity Number: BOP080003

As a courtesy, I am providing you with this notice of New Jersey's intent to approve a Significant Modification to an approved Air Pollution Control Operating Permit for Atlantic States Cast Iron Pipe Company, which is located at 183 Sitgreaves Street, Phillipsburg, NJ 08865.

This modification would allow the following changes to the facility's current operating permit:
The new system uses state of the art technology to reduce emissions of metals and TSP.

1. Volatile organic compounds emission decreases from 147.2 tons per year to 127.7 tons per year,
2. Carbon monoxide emission decreases from 519.3 tons per year to 104.4 tons per year,
3. Total suspended particulates emission decreases from 47.85 tons per year to 39.85 tons per year,
4. Particulates under 10 microns (PM-10) emission decreases from 82.59 tons per year to 56.62 tons per year,
5. Arsenic compounds emission decrease from 1.1 pounds per year to 0.551 pounds per year,
6. Cadmium compounds emission decrease from 80 pounds per year to 0.4 pounds per year,
7. Chromium compounds emission decrease from 12 pounds per year to 10.27 pounds per year,
8. Lead compounds emission decrease from 0.242 tons per year to 0.0229 tons per year,
9. Manganese compounds emission decrease from 540 pounds per year to 2.7 pounds per year.

This modification will increase the potential to emit to the atmosphere of following air contaminants: nitrogen oxides increases from 83.18 tons per year to 104.9 tons per year, sulfur dioxide increases from 35.14 tons per year to 43.1 tons per year, nickel compounds increase from 2.7 pounds per year to 11.76 pounds per year.

The public notice, statement of basis, and the draft permit will soon be posted at the Department's website: <http://www.state.nj.us/dep/aqpp/publicnotices.htm>. The public comment period closes on 7/16/2010. This notice isn't meant to replace the "proposed permit" process in 40 CFR 70.

Should you want more information regarding this draft permit or if you would like to comment, please call Max Friedman at 609-633-8230.

dsinger@heroldhaines.com
Tel. Ext. 134

September 19, 2008

Mr. Steve Riva
United States Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

**Re: Atlantic States Cast Iron Pipe Company
Facility ID: 85441
Air Pollution Control Operating Permit 7 Day Notice**

Dear Mr. Riva:

This firm represents Atlantic States Cast Iron Pipe Company ("Atlantic States") with regard to the above referenced matter. In accordance with New Jersey Regulations, enclosed please find your copies of the following, which were submitted to the New Jersey Department of Environmental Protection under separate cover:

1. A compact disk containing the Air Pollution Control Operating Permit 7 Day Notice for Atlantic States; and
2. A signed Certification of Mitchell E. Kidd.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



David J. Singer

DJS/mgs
Enclosures

2008 SEP 22 PM 2:36
DEPP-AP8
ENVIRONMENTAL PROTECTION AGENCY
NEW JERSEY DEPT. OF ENVIRONMENTAL PROTECTION

DEPP-AP8
2008 SEP 22 PM 2:36
ENVIRONMENTAL PROTECTION AGENCY
NEW JERSEY DEPT. OF ENVIRONMENTAL PROTECTION

dsinger@heroldhaines.com
Tel. Ext. 134

September 11, 2008

VIA HAND DELIVERY

State of New Jersey
Department of Environmental Protection
Bureau of Preconstruction Permits
P.O. Box 027
401 East State Street
Trenton, NJ 08625-0027

**Re: Atlantic States Cast Iron Pipe Company
Facility ID: 85441
Air Pollution Control Operating Permit 7 Day Notice**

To Whom It May Concern:

This firm represents Atlantic States Cast Iron Pipe Company ("Atlantic States") with regard to the above referenced matter. Enclosed please find:

1. A compact disk containing the Air Pollution Control Operating Permit 7 Day Notice for Atlantic States.
2. A signed Certification of Mitchell E. Kidd.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



David J. Singer

DJS/mgs
Enclosures

CERTIFICATION

Facility ID: 85441
Facility Name: Atlantic Smoke & Cast Iron Pipe Co
Responsible Official: _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attached documents and, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil and criminal penalties, including the possibility of fine or imprisonment or both, for submitting false, inaccurate or incomplete information.

Name: Michael Kild Signature: Michael Kild Date: 9/11/08

Individuals with Direct Knowledge:

I certify under penalty of law that I believe the information provided in this document is true, accurate and complete. I am aware that there are significant civil and criminal penalties, including the possibility of fine or imprisonment or both, for submitting false, inaccurate or incomplete information.

| | | |
|--------------------------------|------------------|-----------------------|
| Name: _____ | Signature: _____ | Date: <u> / / </u> |
| Section Being Certified: _____ | | |
| Name: _____ | Signature: _____ | Date: <u> / / </u> |
| Section Being Certified: _____ | | |
| Name: _____ | Signature: _____ | Date: <u> / / </u> |
| Section Being Certified: _____ | | |
| Name: _____ | Signature: _____ | Date: <u> / / </u> |
| Section Being Certified: _____ | | |

DEPP-APB

93:22 PM 22 SEP 2008

ENVIRONMENTAL PROTECTION AGENCY REGION 1



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ENVIRONMENTAL PROTECTION
AGENCY, REGION II
2006 JUL 20 PM 2:58
DEPP-APB

JON.S. CORZINE
Governor

Air Quality Permitting Program
P.O. Box 027
Trenton, NJ 08625-0027
(609)-292-6716

LISA P. JACKSON
Commissioner

July 18, 2006

Mr. Steve Riva, Chief
Permitting/Toxics Support Section
Air Compliance Branch
USEPA, Region 2
290 Broadway
New York, NY 10007-1866

Re: Atlantic States Cast Iron Pipe Company
Facility Program Interest No.85441, Permit Activity No. BOP050005
PROPOSED SIGNIFICANT MODIFICATION

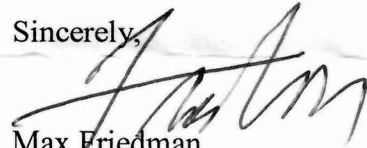
Dear Steve:

Pursuant to N.J.A.C. 7:27-22.12, attached please find a diskette containing the proposed significant modification to approved Air Pollution Control Operating Permit for Atlantic States Cast Iron Pipe Company located at 183 Sitgreaves Street, Phillipsburg, NJ 08865 for your review.

This proposed significant modification has completed the 30-day public comment period. No comments were received during the public comment period.

Should you want more information, please call me at (609) 633-8230.

Sincerely,


Max Friedman
Air Quality Permitting Element

Enclosure: Diskette containing proposed permit

C. Bachir Bouzid, NJDEP (w/o enclosure)

Environmental Regulation
 Division of Air Quality
 Air Quality Permitting Element
 P. O. Box 27
 Trenton, NJ 08625-0027

**Air Pollution Control Operating Permit
 Significant Modification and Preconstruction Approval**

Permit Activity Number: BOP050005

Program Interest Number: 85441

| Mailing Address | Plant Location |
|--|--|
| MITCHELL E KIDD ATLANTIC STATES CAST IRON PIPE 183 SITGREAVES STREET PHILLIPSBURG NJ 08865-3052 | ATLANTIC STATES CAST IRON PIPE CO 183 Sitgreaves St Phillipsburg Town Warren County |

Initial Operating Permit Approval Date: 02/20/2003

Significant Modification Approval Date: 09/05/2006

Operating Permit Expiration Date: 02/19/2008

This significant modification is approved and issued under the authority of Chapter 106, P.L. 1967 (N.J.S.A. 26:2C-9.2). The equipment at the facility must be operated in accordance with the requirements of this permit.

This approval, in response to your application, merges the provisions of the previously approved operating permit and the changes from this significant modification into a single comprehensive permit that replaces the one previously issued. This significant modification [extends the time allowed to complete stack testing of the emissions from Boiler # 3 to demonstrate compliance with VOC and NOx RACT. The compliance schedule included in the operating permit for your facility stipulated the final compliance dates for performing the required stack test and submitting a certified stack test report to the Department as November 30 and December 30, 2003, respectively. This significant modification extends these dates to August 31, 2004 and September 30, 2004, respectively.]

Equipment at the facility referenced by this significant modification is **covered by** the permit shield, pursuant to the provisions of N.J.A.C. 7:27-22.17. However, this permit shield does not cover physical changes which were undertaken at the facility after March 3, 2003 and for which the facility did not seek an applicability determination for the Prevention of Significant Deterioration rule, codified at 40 CFR 52.21 (PSD), from the United States Environmental Protection Agency (USEPA). The issuance of this permit should not in any way be construed as a determination by the Department that the PSD rules do not apply. Any questions on applicability of PSD should be directed to USEPA Region II, Air Compliance Branch, 21st Floor, 290 Broadway, New York, NY 10007-1866 (Phone: 212-637-4074). Pursuant to N.J.A.C. 7:27-22.33(e), this significant modification consists of both a preconstruction approval and operating permit approval.

The permittee shall submit to the Department and to the EPA on forms provided by the Department, at the addresses given below, a periodic compliance certification, in accordance with N.J.A.C. 7:27-22.19 and the schedule for compliance certifications set forth in the compliance plan in this operating permit. The annual compliance certification reporting period will cover the calendar year ending December 31. **The annual compliance certification is due to the Department and the EPA within 60 days after the end of each calendar year during which this permit was in effect.** Forms provided by the Department can be found on the Department's website at: <http://www.nj.gov/dep/enforcement/compliancecertsair.htm>.

The annual compliance certification report may also be considered as your six month deviation report for the period from July 1 through December 31 which is due by January 30 of each year, as required by paragraph 13 in Section F, *General Provisions and Authorities*, of this permit, if the annual compliance certification is submitted by January 30.

New Jersey Department of Environmental Protection
Air & Environmental Quality Compliance & Enforcement
401 East State Street, P. O. Box 422
Trenton, New Jersey 08625-0422

United States Environmental Protection Agency, Region II
Air Compliance Branch
290 Broadway
New York, New York 10007-1866

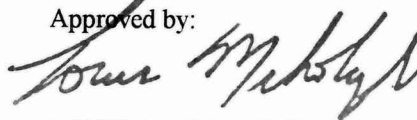
New Jersey Department of Environmental Protection
Air and Environmental Quality Compliance & Enforcement
Regional Enforcement Office
Trenton, New Jersey 08625-0422

We are including a diskette with an electronic file. This file contains the information included in the paper version of the operating permit. Upon importing this information into your personal computer with RADIUS software, you will have up-to-date information in RADIUS format. RADIUS software, instructions, and help are available at the Department's website at www.state.nj.us/dep/aqpp. We also have an Operating Permit Help Line available from 9:00 AM to 4:00 PM daily, where you may speak to someone about any questions you may have. The Operating Permit Help Line number is 609-633-8248.

If, in your judgment, the Department is imposing any unreasonable condition of approval in this permit modification action, you may contest the Department's decision on the modification and request an adjudicatory hearing pursuant to N.J.S.A. 52:14b-1 et seq. and N.J.A.C. 7:27-22.32(a). All requests for an adjudicatory hearing must be received in writing by the Department within 20 calendar days of the date you receive this letter. The request must contain the information requested in N.J.A.C. 7:27-1.32 and the information on the enclosed Administrative Hearing Request Checklist and Tracking Form.

If you have any questions regarding this permit approval, please call your permit writer, Bachir Bouzid, at (609)-777-0286.

Approved by:



Louis Mikolajczyk, Chief
Bureau of Preconstruction Permits

Enclosure

CC: Steve Riva, USEPA Region II (diskette containing modified permit) ✓



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ENVIRONMENTAL PROTECTION
AGENCY, REGION 2

2006 JUN 12 PM 3:36

DEPP-APB

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

Environmental Regulation
Division of Air Quality
Air Quality Permitting Element
P.O. Box 27, Trenton, NJ 08625-0027

June 6, 2006

Mr. Steve Riva, Chief
Permitting/Toxics Support Section
Air Compliance Branch
USEPA, Region 2
290 Broadway
New York, NY 10007-1866

Dear Steve:

As a courtesy, I am providing you with this notice of New Jersey's intent to approve a significant modification to an approved Air Pollution Control Operating Permit for Atlantic States Cast Iron Pipe Company located at 183 Sitgreaves Street in Phillipsburg, New Jersey.

This modification is to replace the existing wet scrubber system with new technology in mercury control. The proposed baghouse control system is equipped with a flue gas cooler to cool the exhaust gases prior to entering the baghouse.

The public comment period closes on July 15, 2006, which means that if you have any comments, I must receive them by July 15, 2006. This notice isn't meant to replace the "proposed permit" process in 40 CFR 70.

We are enclosing a diskette containing the draft permit and the Statement of Basis document for the subject facility. Upon importing this information into your personal computer with the RADIUS software, you may review this permit electronically. Should you want more information regarding this draft permit, please call me at 609-633-8230.

Sincerely,

Max Friedman
Air Quality Permitting Element

Enclosure: Diskette containing draft permit and Statement of Basis





State of New Jersey

Department of Environmental Protection
Air Quality Permitting Program
P.O. Box 027
Trenton, NJ 08625-0027
(609)-292-6716

ENVIRONMENTAL PROTECTION
AGENCY, REGION II

2005 SEP 15 PM 2:38

DEPP-APB

Bradley M. Campbell
Commissioner

Richard J. Codey
Acting Governor

August 9, 2005

Mr. Steve Riva, Chief
Permitting/Toxics Support Section
Air Compliance Branch
USEPA, Region 2
290 Broadway
New York, NY 10007-1866

Re: Atlantic States Cast Iron Pipe Co.
Facility Program Interest No. 85441, Permit Activity No.: BOP050004

Dear Steve:

This notice is required by the provisions of 40 CFR Part 70 and N.J.A.C. 7:27-22 and is to inform you of the Department's receipt of an administratively complete application for a minor modification to an approved Operating Permit for Atlantic States Cast Iron Pipe, which is located at 183 Sitgreaves Street, Phillipsburg, NJ 08865.

The facility proposes to replace the 6.5 ton capacity transfer ladle with a 8.5 ton capacity transfer ladle. The transfer ladle is used to transport the molten metal from the cupola output bull ladle to the quarter ladles. This reduces the ladle transfer runs from the maximum of 12 to 9 transfer runs per hour. The larger capacity transfer ladle does not increase emission limits. The minor modification also incorporates Two 7-Day Notice Changes in BOP050001 and BOP050002. BOP050001 is a 7-day notice change proposing to upgrade the annealing oven burners with low NOx burners. The total firing capacity of the burners will not change. BOP050002 is a 7-day notice change proposing to replacement of the backup 350 HP cupola air blower with a 600 HP air blower. The cupola air blower is not listed as a significant source in the equipment inventory list.

If you would like to comment on this application, please contact me in writing at the above address within 45 days. The 45-day review period expires on October 28, 2005. Should you want more information regarding this minor modification, please call me at 609-633-8230.

Sincerely,

Max Friedman
Air Quality Permitting Element

C: C. Dooley
A. Pagarigan



ENVIRONMENTAL PROTECTION
AGENCY, REGION II

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bureau of Operating Permits
401 E. State Street, 2nd Floor
P.O. Box 27
Trenton, NJ 08625-0027

MAR 26 PM 1:33
DEPP-APB

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

March 20, 2007

Mitchell Kidd
VP & GM
Atlantic States Cast Iron Pipe Company
183 Sitgreaves Street
Phillipsburg, NJ 08865

Re: **Operating Permit Renewal Application**
BOP Activity Number BOP070001
Program Interest Number 85441
Renewal Application Received: February 20, 2007
ADMINISTRATIVE COMPLETENESS – WITH APPLICATION SHIELD

Dear Mr./Ms. Kidd:

I have reviewed the subject application and have determined it is administratively complete.

Pursuant to the provision of N.J.A.C. 7:27-22.7, an application shield will be in effect beginning on February 20, 2007, the date the application was due to the Department. The application shield will terminate automatically when the Department takes final action on your application.

EPA developed 40 CFR 64 (Compliance Assurance Monitoring or "CAM") in order to provide reasonable assurance that facilities comply with emission limitations by monitoring the operation and maintenance of their control devices. You must address CAM applicability by completing the enclosed form. Additionally, a Title V facility that is subject to CAM must include CAM plans as part of their permit renewal application. Details of the rule and guidance on how to prepare a plan can be found at EPA's website: www.epa.gov/ttn/emc/cam.html.

Please contact your permit evaluator, Shafi Ahmed, at (609) 633-2971, if you have any questions regarding this matter. However, please address all correspondence related to this letter to me.

Sincerely,

Max Friedman
Bureau of Operating Permits

CC: S. Riva - EPA Region II
S. Ahmed

Facility ID (BOP PI Number): 85441, Facility Name: Atlantic States Cast Iron Pipe Company

Compliance Assurance Monitoring (CAM) Requirements

EPA developed 40 CFR 64 (Compliance Assurance Monitoring or "CAM") in order to provide reasonable assurance that facilities comply with emission limitations by monitoring the operation and maintenance of their control devices. In general, CAM applies to emission units that meet all of the following conditions:

- the emission unit is located at a major source for which a Title V permit is required; and
- the emission unit is subject to an emission limitation or standard for a specific contaminant; and
- the emission unit uses a control device to achieve compliance with that specific contaminant's federally enforceable limit or standard; and
- the emission unit has potential pre-control or post-control emissions (of that specific contaminant) of at least 100% of the major source amount (see N.J.A.C. 7:27-22.1 - "Major facility"); and
- the emission unit is not otherwise exempt from CAM (for exemptions, see 40 CFR 64.2(b)).

To learn more about the CAM program, check EPA's website: www.epa.gov/ttn/emc/cam.html.

After reviewing the information above, check one of the following boxes:

- ☐ **NO**, my facility DOES NOT have any emission units subject to CAM requirements.
- ☐ **YES**, my facility DOES have one or more emission units subject to CAM requirements and a CAM plan is provided with the operating permit renewal application.

Guidance on how to prepare a CAM plan can be found at EPA's website: www.epa.gov/ttn/emc/cam.html.

1. The first part of the report is a general introduction to the project.

2. The second part of the report is a detailed description of the methodology used.

3. The third part of the report is a discussion of the results.

4. The fourth part of the report is a conclusion.

5. The fifth part of the report is a list of references.

6. The sixth part of the report is a list of appendices.

7. The seventh part of the report is a list of figures.

8. The eighth part of the report is a list of tables.

9. The ninth part of the report is a list of symbols.

10. The tenth part of the report is a list of abbreviations.

11. The eleventh part of the report is a list of acronyms.

12. The twelfth part of the report is a list of definitions.

13. The thirteenth part of the report is a list of footnotes.

14. The fourteenth part of the report is a list of references.

15. The fifteenth part of the report is a list of references.

Kirkpatrick & Lockhart LLP

Formed in the Commonwealth of Pennsylvania

The Legal Center
One Riverfront Plaza, Seventh Floor
Newark, New Jersey 07102
973.848.4000
973.848.4001 Fax
www.kl.com

Brian S. Montag
973.848.4044
Fax: 973.848.4001
bmontag@kl.com

March 13, 2003

VIA HAND DELIVERY

Office of Legal Affairs
ATTENTION: Adjudicatory Hearing Request
New Jersey Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, New Jersey 08625-0402

Re: REQUEST FOR ADJUDICATORY HEARING
Atlantic States Cast Iron Pipe Co.
183 Sitgreaves Street
Phillipsburg, Warren County, New Jersey
Permit Activity No.: BOP990001
Program Interest No.: 85441

Dear Sir/Madam:

I am writing on behalf of Atlantic States Cast Iron Pipe Co. ("Atlantic States") to request an adjudicatory hearing pursuant to N.J.A.C. 7:27-22.32(a), N.J.A.C. 7:27-1.32(a)(1), and any other applicable statutory or regulatory provisions with respect to the recently issued Air Pollution Control Operating Permit (the "Permit"), a copy of which is attached hereto as Exhibit A, for the above-referenced facility (the "Facility"). Specifically, Atlantic States hereby requests an adjudicatory hearing in connection with the New Jersey Department of Environmental Protection's ("NJDEP") imposition of certain conditions in connection with issuance of the Permit.

Atlantic States submitted its original application for the Permit on February 28, 1996 and submitted revised versions of that application in both September 1998 and March 1999. The purpose of the proposed Permit was to secure reasonable, facility-specific operating requirements for one equipment unit, seventeen insignificant emission sources, two emission points, and five emission units at the Facility.

ENVIRONMENTAL PROTECTION
AGENCY, REGION II

2003 MAR 17 AM 8:16

DEPP-APB

Kirkpatrick & Lockhart LLP

Office of Legal Affairs
March 13, 2003
Page 2

Subsequent to the submission of its original application and related revisions, Atlantic States provided considerable additional information and engaged in a dialogue with NJDEP as to what operating requirements would be appropriate and reasonable in this matter. For example, following NJDEP's issuance of a first draft of the Permit on October 10, 2002, Atlantic States submitted comments to that draft on November 25, 2002 and met with NJDEP representatives for further discussions on January 20, 2003. Again, when NJDEP issued the final draft Permit on January 30, 2003, Atlantic States submitted comments dated February 3, 2003.

Despite these efforts at a productive dialogue regarding the relevant issues, NJDEP issued the Permit on February 20, 2003, without incorporating a number of necessary and reasonable revisions requested by Atlantic States. Therefore, Atlantic States hereby requests an adjudicatory hearing and submits below all applicable information consistent with N.J.A.C. 7:27-1.32(d).

Hearing Request Pursuant to N.J.A.C. 7:27-1.32(d)

1. The name, address and telephone number of the person making the request.

The name, address and telephone number of Atlantic States' authorized representative in this matter is:

Brian S. Montag, Esq.
Kirkpatrick & Lockhart LLP
The Legal Center
One Riverfront Plaza, Seventh Floor
Newark, New Jersey 07102
(973) 848-4044

2. A statement of the legal authority and jurisdiction under which the request for a hearing is made.

This request for a hearing is made pursuant to N.J.A.C. 7:27-22.32(a) and N.J.A.C. 7:27-1.32(a)(1). Atlantic States believes that it is aggrieved with respect to NJDEP's imposition of certain conditions in connection with issuance of the Permit as more fully set forth below.

3. A brief and clear statement of facts describing the Department decision being appealed, as well as the nature and scope of the interest of the requester in such decision.

On February 20, 2003, NJDEP issued the Permit, imposing certain conditions on Atlantic States' operation of the Facility. NJDEP's imposition of those conditions is without factual or legal basis, arbitrary, capricious, unreasonable, inaccurate, irrelevant, an abuse of discretion, *ultra vires*, and contrary to law.

4. A statement of the facts alleged to be at issue and their relevance to the Department decision for which a hearing is requested. Any legal issues associated with the alleged facts at issue must also be included.

As stated, NJDEP's imposition of certain conditions on Atlantic States' operation of the Facility through the Permit is without factual or legal basis, arbitrary, capricious, unreasonable, inaccurate, irrelevant, an abuse of discretion, *ultra vires*, and contrary to law. By way of example and not of limitation, Atlantic States notes the following:

- In Section B (Reason for Permit), NJDEP states that "[t]his permit action consolidates previously approved permit term and conditions into one single permit for the facility." Atlantic States concurs that the purpose of the Permit is to consolidate its Subchapter 8 (N.J.A.C. 7:27-8 *et seq.*) requirements into one permit. However, NJDEP has exceeded that stated purpose and its limited authority to issue a Title V permit that consolidates Subchapter 8 conditions and requirements. Numerous conditions and requirements in the Permit go beyond those contained in Atlantic States' current Subchapter 8 permits. Accordingly, Atlantic States hereby appeals those conditions and requirements.
- In Reference No. 4 on page 2 of the Permit, NJDEP requires the preparation of written Standby Plans in accordance with N.J.A.C. 7:27-12. However, N.J.A.C. 7:27-12 *et seq.*, including N.J.A.C. 7:27-12.4 (Tables I, II, and III), are inapplicable to Atlantic States.
- In Reference No. 1 on page 5 of the Permit, NJDEP requires the submission of a Subchapter 8 preconstruction permit and operating certificate for the Facility's E20 asphalt paint machine within thirty days of the date of the Permit's issuance. As a preliminary matter, however, the paint machine and associated equipment replace identical machinery significantly damaged during a December 2000 fire at the Facility. Because the replaced machinery was "grandfathered" and therefore exempt from permitting requirements prior to the fire, the paint machine and associated equipment is itself exempt from Subchapter 8 requirements. Moreover, even if the paint machine is not exempt, the Permit's stated timeframe for submission of a Subchapter 8 preconstruction permit and operating certificate is unreasonable, arbitrary,

capricious, and inconsistent with written communications between Atlantic States and NJDEP.

- In Reference No. 2 on page 14 of the Permit and in Reference No. 2 on page 17 of the Permit, NJDEP imposes certain conditions on Atlantic States' use of sulfur-containing fuel oil in the Facility's IS10 diesel equipment and IS16 space heaters, as well as related monitoring and recordkeeping requirements. However, those conditions are inconsistent with N.J.A.C. 7:27-9.2(b) and unclear, including the reference to " $\leq 0.2\%$ by weight." N.J.A.C. 7:27-9.2(b) applies to specified categories based on grades of fuel oil; the regulation is clear on its face, and the Permit should, at most, simply reference it to the extent applicable. Moreover, the related monitoring and recordkeeping requirements have no legal or reasonable basis and exceed both NJDEP's authority pursuant to N.J.A.C. 7:27-22.16(o) and the requirements of Atlantic States' Subchapter 8 permit. Likewise, consistent with the Title V regulatory scheme, Atlantic States should have the exclusive right and flexibility to maintain records in a form that best suits its operations, consistent with best management practices.
- Similarly, in Reference Nos. 5 and 6 on page 15 of the Permit, NJDEP imposes certain monitoring and recordkeeping requirements in connection with Atlantic States' IS11 use of solvents and surface cleaners for parts cleaning. Again, however, consistent with the Title V regulatory scheme, Atlantic States should have the exclusive right and flexibility to maintain records in a form that best suits its operations, consistent with best management practices.
- In Reference No. 1 on page 23 of the Permit, NJDEP requires comprehensive stack testing with respect to the Facility's PT1 cupola scrubber stack and establishes associated monitoring, recordkeeping, and reporting requirements. For the following reasons, however, those requirements are inappropriate:
 - efficiency testing on that stack is not feasible and thus is arbitrary, capricious, and unreasonable;
 - N.J.A.C. 7:27-22.16(a) does not provide any authority for requiring stack emission testing based on "any sixty minute" period as set forth in the Permit. Likewise, such a test method conflicts with the "average of three runs" test method required for mercury in Reference No. 2 on page 24 of the Permit;

Kirkpatrick & Lockhart LLP

Office of Legal Affairs
March 13, 2003
Page 5

- past experience indicates that Atlantic States will need at least sixty days during which to obtain and submit any stack test results, thus rendering the Permit's "within 45 days" reporting requirement infeasible;
 - N.J.A.C. 7:27-16(a) provides no authority for requiring operation of the source within +/- 5% of maximum load when performing a stack emission test, and such a requirement exceeds the requirements of Atlantic States' Subchapter 8 permit;
 - no legal authority or factual justification exists for requiring Atlantic States to test for benzene and/or polycyclic organic matter because prior testing has shown that they are either "non-detect" or at such low concentrations that they are not subject to regulation;
 - no legal authority or factual justification exists for requiring Atlantic States to conduct annual stack emission tests. Consistent with NJDEP policy and other similar testing requirements, testing once every five years would be appropriate.
- In Reference No. 2 on page 24 of the Permit, NJDEP requires quarterly mercury emission tests with respect to the Facility's PT1 cupola scrubber stack and establishes related monitoring, recordkeeping, and reporting requirements. However, no legal authority or factual justification exists for such a requirement. NJDEP has requested annual testing for other metals, and testing once every five years would be consistent with NJDEP policy. Likewise, past experience indicates that Atlantic States will need at least sixty days during which to obtain and submit any stack test results, thus rendering the Permit's "within 45 days" reporting requirement infeasible.
 - In Reference No. 1 on page 25 of the Permit, NJDEP requires the reporting of comprehensive stack testing with respect to the Facility's PT3 melt center emission control stack "within 45 days." However, past experience indicates that Atlantic States will need at least sixty days during which to obtain and submit any stack test results, thus rendering the Permit's "within 45 days" reporting requirement infeasible.
 - In Reference No. 19 on page 29 of the Permit, NJDEP states that Atlantic States was "non-compliant at [the] time of Permit issuance" with the total suspended particulate ("TSP") emission limit set forth in the Facility's Subchapter 8 permit for the Facility's U1 scrubber system, which controls

emissions from the foundry cupola. However, that statement is inaccurate. Atlantic States has passed all stack tests for TSP, including the most recent stack test conducted in June 2002.

- In Reference No. 42 on page 33 of the Permit, NJDEP imposes certain conditions on the flow rate of absorption liquid in the Facility's U1 scrubber system, which controls emissions from the foundry cupola, as well as related monitoring, recordkeeping, and reporting requirements. However, such requirements exceed the scope of Atlantic States' Subchapter 8 permit.
- In Reference No. 47 on page 33 of the Permit, NJDEP imposes certain conditions on the afterburner carbon monoxide and volatile organic compound destruction efficiency of the Facility's U1 scrubber system, which controls emissions from the foundry cupola, as well as related monitoring, recordkeeping, and reporting requirements. However, the required destruction efficiency testing is technically infeasible.
- In Reference Nos. 1 and 2 on pages 38, 39, 40, 41, 42, 43, 44, and 45 of the Permit, NJDEP limits the PM-10 and TSP emission rates from the Facility's U2 core machines molding sand cores. However, those limitations are without factual or legal basis, arbitrary, capricious, unreasonable, inaccurate, an abuse of discretion, and *ultra vires*.
- In Reference No. 3 on pages 38, 39, 40, 41, 42, 43, 44, and 45 of the Permit, NJDEP limits the raw material processing rates of the Facility's U2 core machines molding sand cores. However, those limitations are without factual or legal basis, arbitrary, capricious, unreasonable, inaccurate, an abuse of discretion, and *ultra vires*.
- In Reference Nos. 10, 11, and 13 on page 48 of the Permit, NJDEP limits the hazardous air pollutant ("HAP"), chromium, and nickel emission rates from the Facility's U3 melt center baghouse controlling launder and ladle emissions. However, those limitations are without factual or legal basis, arbitrary, capricious, unreasonable, inaccurate, irrelevant, an abuse of discretion, and *ultra vires*.
- In Reference No. 18 on page 49 of the Permit, in Reference Nos. 19 and 20 on page 50 of the Permit, in Reference Nos. 21 and 22 on page 51 of the Permit, in Reference Nos. 23 and 24 on page 52 of the Permit, in Reference Nos. 26 and 27 on page 53 of the Permit, and in Reference No. 28 on page 54 of the Permit NJDEP requires the reporting of

comprehensive stack testing and stack emission testing for particulate control efficiency, sulfur dioxide, carbon monoxide, TSP, nitrogen oxides, volatile organic compounds ("VOC"), lead, chromium, and nickel with respect to the Facility's U3 melt center baghouse controlling launder and ladle emissions "within 45 days." However, past experience indicates that Atlantic States will need at least sixty days during which to obtain and submit any stack test results, thus rendering the Permit's "within 45 days" reporting requirement infeasible.

- In Reference No. 27 on page 53 of the Permit and in Reference No. 28 on page 54 of the Permit NJDEP limits the emission rates for chromium and nickel from the Facility's U3 melt center baghouse controlling launder and ladle emissions. However, those limitations are without factual or legal basis, arbitrary, capricious, unreasonable, inaccurate, irrelevant, an abuse of discretion, and *ultra vires*.
- In Reference No. 30 on page 54 of the Permit, NJDEP requires gravimetric monitoring of the production rate of the Facility's U3 melt center baghouse controlling launder and ladle emissions, with no averaging period. However, that requirement is without factual or legal basis, arbitrary, capricious, unreasonable, inaccurate, irrelevant, an abuse of discretion, and *ultra vires*.
- In Reference No. 3 on page 55 of the Permit, NJDEP limits the maximum gross heat input for the Facility's U4 annealing oven for cast pipe. However, that limitation is without factual or legal basis, arbitrary, capricious, unreasonable, inaccurate, irrelevant, an abuse of discretion, and *ultra vires*.
- In Reference No. 4 on page 55 of the Permit, NJDEP imposes monitoring and recordkeeping requirements with respect to the raw material processing rate for the Facility's U4 annealing oven for cast pipe. However, those requirements are without factual or legal basis, arbitrary, capricious, unreasonable, inaccurate, irrelevant, an abuse of discretion, and *ultra vires*. The raw material process rate bears no relation to emission rate from the combustion of natural gas.
- In Reference 20 on page 57 of the Permit, NJDEP requires periodic emission monitoring with a portable instrument of the combustion process in the Facility's annealing oven for cast pipe as well as related recordkeeping. However, such requirements are technically infeasible.

Kirkpatrick & Lockhart LLP

Office of Legal Affairs
March 13, 2003
Page 8

As stated, the above-described conditions are set forth by way of example and not by way of limitation. Atlantic States also incorporates herein by reference all of its comments to NJDEP's draft versions of the Permit as set forth in the documents attached hereto as Exhibits B and C. Atlantic States also hereby specifically reserves and does not waive its right to supplement the facts and legal issues addressed herein for purposes of this adjudicatory hearing request and/or any hearing in this matter. Finally, Atlantic States reserves its right to raise appropriate claims and affirmative defenses as this matter proceeds. To the extent that NJDEP requests or requires any additional information, please contact me as counsel for Atlantic States.

Atlantic States estimates that the hearing requested herein will require two (2) days. Atlantic States is not aware of any need for a barrier-free hearing location.

Notwithstanding the foregoing and without admitting any allegations or issues raised by NJDEP, Atlantic States is agreeable to attempting to negotiate a resolution of this matter with NJDEP prior to its referral to the Office of Administrative Law.

Thank you for your attention to this matter.

Very truly yours,


BRIAN S. MONTAG

Enclosures

cc: Richard Langbein, Bureau of Operation Permits (via overnight mail, w/enclosures)
Steve Riva, USEPA Region II (via overnight mail, w/enclosures)
John Preczewski, Chief Bureau of Tech. Services (via overnight mail, w/enclosures)
Kathrine Hunt (via overnight mail, w/enclosures)
Michael Papp, Northern Regional Office (via overnight mail, w/enclosures)
Richelle Wormley, Bureau of Operation Permits (via overnight mail, w/enclosures)

Kirkpatrick & Lockhart LLP

Administrative Hearing Request Checklist and Tracking Form

I. Document Being Appealed

| Name of the Facility | Program Interest (PI) Number | Permit Activity Number | Issuance Date |
|------------------------------------|------------------------------|------------------------|---------------|
| Atlantic States Cast Iron Pipe Co. | 85441 | BOP990001 | 2/20/03 |

II. Contact Information

| Name of Person Requesting Hearing | Name of Attorney (if applicable) |
|------------------------------------|---|
| Mr. Dennis Charko | Brian S. Montag, Esq. |
| Atlantic States Cast Iron Pipe Co. | Kirkpatrick & Lockhart LLP |
| 183 Sitgreaves Street | One Riverfront Plaza, 7 th Floor |
| Phillipsburg, New Jersey 08865 | Newark, New Jersey 07102 |
| 908-454-1161 | 973-848-4000 |

III. Please include the following information as part of your request:

- A. The date the permittee received the permit decision,
- B. A copy of the document being appealed,
- C. The legal and factual questions you are appealing;
- D. A statement as to whether or not you raised each legal and factual issues during the permit application process;
- E. Suggested revised or alternative permit conditions;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Departments processing of your hearing request to the Office of Administrative Law;

Mail this form, completed, signed and dated with all of the information listed above, including attachment, to:

1. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 E. State Street, P.O. Box 402
Trenton, New Jersey 08625
2. Mr. Richard Langbein
Bureau of Operating Permits
New Jersey Department of Environmental Protection
401 E. State Street, 2nd Floor, P.O. Box 027
Trenton, New Jersey 08625
Phone: (609) 292-0834

Signature

Brian S Montag

Date

3-13-03

Administrative Hearing Request Checklist and Tracking Form

If you are not the applicant but rather an interested person claiming to be aggrieved by the permit decision, please include the following information:

1. The date you or your agent received notice of the permit decision (include a copy of that permit decision with your hearing request);
2. Evidence that a copy of the request has been delivered to the applicant for the permit which is the subject of the permit decision;
3. A detailed statement of which findings of fact and/or conclusion of law you are challenging;
4. A description of your participation in any public hearings held in connection with the permit application and copies of any written comments you submitted;
5. Whether you claim a statutory or constitutional right to a hearing, and, if you claim such a right, a reference to the applicable statute or explanation of how your property interests are affected by the permit decision;
6. If the appeal request concerns a CAFRA permit decision, evidence that a copy of the request has been delivered to the clerks of the county and the municipality in which the project which is the subject of the permit decision is located;
7. Suggested revised or alternative permit conditions;
8. An estimate of the time required for the hearing;
9. A request, if necessary, for a barrier-free hearing location for physically disable persons;
10. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's transmittal of the hearing request to the Office of Administrative Law;

Mail this form, completed, signed and dated with all of the information listed above, including attachment, to:

1. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 East State Street, P.O. Box 402
Trenton, New Jersey 08625-0402
2. Mr. Richard Langbein
Bureau of Operating Permits
New Jersey Department of Environmental Protection
401 E. State Street, 2nd Floor, P.O. Box 027
Trenton, New Jersey 08625
Phone: (609) 292-0834

Brian Smintag
Signature

3-13-03
Date

